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***Judicial Ethics in the People's Republic of China: Challenges and Reforms***

Abstract:

Judicial ethics has become a burning issue in the People's Republic of China. For example, Mr. Huang Songyou, the former Vice President of the Supreme People's court, was removed from his post for serious violations of law in October, 2008. He was the highest ranking judge removed from post in the history of the Supreme People's Court. There have also been many cases involving the bribing of judges by lawyers. For example, Mr. Guo Shenggui, a former Court President in Beijing, received a death penalty but suspended for two years.

In this paper, the author examines three cases involving lawyers bribing judges that took place in Beijing, Anhui Province and Guangdong Province respectively. He also analyses why lawyers in China bribe judges, including the unprofessional environment in which lawyers engage in private practice; the unsophisticated drafting of many PRC laws resulting in judges having too much discretion and thereby encouraging judicial corruption; the pressure of business competition on lawyers to win cases; and the low income of judges compared with lawyers. The author then discusses the reforms undertaken by China on strengthening its judicial ethics in recent years, including the "Stipulations on Regulating the Relationships between Judges and Lawyers to Safeguard Judicial Justice" (2004) and the "Five Prohibitions (2009). Finally, he summarizes the current state and future development of judicial ethics in China on basis of the "Working Report of the President of the Supreme People's Court of China" (2010).

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